

PROB. 12B
(7/93)

ORIGINAL

FILED IN THE
UNITED STATES DISTRICT COURT
DISTRICT OF HAWAII

United States District Court

for the

DISTRICT OF HAWAII

**Request for Modifying the Conditions or Term of Supervision
with Consent of the Offender**

(Probation Form 49, Waiver of Hearing is Attached)

Name of Offender: PATRICH GILES,
aka "P-Dog"

Case Numbers: CR 01-00160SOM-08
CR 03-00521SOM-01

Name of Sentencing Judicial Officer: The Honorable Susan Oki Mollway
U.S. District Judge

Date of Original Sentence: 5/4/2005

Original Offense: Case No. CR 01-00160SOM-08: Count 1 - Conspiracy to Distribute and Possess With Intent to Distribute in Excess of 50 Grams of Methamphetamine, in violation of 21 U.S.C. §§ 841(a)(1) and 846, a Class A felony

Case No. CR 03-00521SOM-01: Conspiracy to Distribute and Possess With Intent to Distribute More Than 500 Grams of Cocaine, in violation of 21 U.S.C. §§ 841(a)(1) and 846, a Class B felony

Original Sentence: Seventy eight (78) months imprisonment and five (5) years supervised release, as to both CR 01-00160SOM-08 and CR 03-00521SOM-01, all such terms to be served concurrently. The following special conditions were imposed in each case:
1) That the defendant participate in a substance abuse program, which may include drug testing at the discretion and direction of the Probation Office; 2) That the defendant provide the Probation Office access to any requested financial information; and 3) That the defendant shall submit his person, residence, place of employment, or vehicle to a search conducted by the U.S. Probation Office at a reasonable time and in a reasonable manner, based upon reasonable suspicion of contraband or evidence of a violation of a condition of supervision. Failure to submit to a search may be grounds for revocation. The defendant shall warn any other resident that the premises may be subject to search pursuant to this condition.

NOV 23 2007
at 2:00 clock and min.
SUE BEITIA, CLERK

Type of Supervision: Supervised Release Date Supervision Commenced: 10/5/2007

PETITIONING THE COURT

[X] To modify the conditions of supervision as follows:

Special Condition No. 4: Patrich Giles, shall participate in outpatient substance abuse treatment and counseling program that includes urinalysis, saliva and/or sweat patch testing, as directed by the Probation Officer. He shall abstain from using illicit drugs, alcohol, and abusing prescription medications during the period of supervision. Patrich Giles shall submit to one drug test within 15 days of release from imprisonment and at least two periodic drug tests thereafter, not to exceed eight tests per month, as directed by the Probation Officer.

CAUSE

The subject's term of supervised release commenced in the Central District of California (CD/CA) on 10/5/2007. Our office recently received a letter from the subject's supervising probation officer requesting an update of the substance abuse treatment condition which will allow additional drug testing outside of treatment. In light of U.S. vs. Stephens, the probation officer is requesting the modification in order to randomly drug test the subject throughout the term of supervision. The subject's substance abuse history includes daily use of marijuana prior to his arrest for the instant offense. The subject's history also included the social consumption of alcohol, and experimental use of ecstasy, mushrooms, and LSD.


Our office supports this request and respectfully recommends that the Court modify the conditions of supervised release as requested by the CD/CA. Attached is a signed Waiver of Hearing to Modify Conditions of Supervised Release. The subject waives his right to a hearing and to assistance of counsel. The subject agrees to the modification of the conditions of supervised release. The subject's attorney and the U.S. Attorney's Office have been notified of the proposed modification and have no objections to the modification.

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This report also serves to inform the Court that the CD/CA will accept a transfer of jurisdiction. This transfer will expedite any future matters that may require Court intervention. Should the Court concur with the request to transfer jurisdiction in this case, Your Honor's signature is requested on both originals of Probation Form 22, Transfer of Jurisdiction

Respectfully submitted by,



ALYSA K. MAKAHANALOA
U.S. Probation Officer Assistant

Approved by:

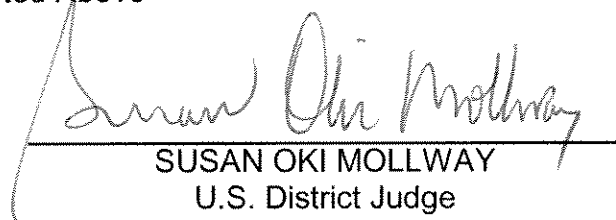


TIMOTHY M. JENKINS
Supervising U.S. Probation Officer

Date: 11/15/2007

THE COURT ORDERS:

- ☒ [X] The Modification of Conditions as Noted Above
☐ [] Other



SUSAN OKI MOLLWAY
U.S. District Judge

NOV 21 2007

Date

NOTICE REGARDING MODIFICATION OF CONDITIONS

The defendant understands that any modification of court-ordered conditions is not a waiver of those conditions or of any consequence of violating those conditions. Violations that have preceded this or any modification of conditions may be considered by the court as a basis for revoking supervised release or probation, especially, but not only, in the event of a future violation, whether any such future violation is similar to or different from any preceding violation.

The absence of this notice does not confer, and should not be interpreted by the defendant as conferring, any rights on the defendant. The absence of this notice does not indicate, and should not be interpreted by the defendant as indicating, any position by the court or by the defendant. Even in the absence of this notice, supervised release or probation may, in the future, be revoked based on violations occurring before this or any other modification of conditions.

Agreed to and acknowledged:



Defendant

Print Name: PATRICK GILES

Date: 11-19-07

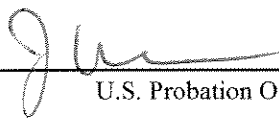
PROB 49
(3/89)**United States District Court**_____
District _____ of Hawaii**Waiver of Hearing to Modify Conditions
of Probation/Supervised Release or Extend Term of Supervision**

I have been advised and understand that I am entitled by law to a hearing and assistance of counsel before any unfavorable change may be made in my Conditions of Probation and Supervised Release or my period of supervision being extended. By "assistance of counsel," I understand that I have the right to be represented at the hearing by counsel of my own choosing if I am able to retain counsel. I also understand that I have the right to request the court to appoint counsel to represent me at such a hearing at no cost to myself if I am not able to retain counsel of my own choosing.

I hereby voluntarily waive my statutory right to a hearing and to assistance of counsel. I also agree to the following modification of my Conditions of Probation and Supervised Release or to the proposed extension of my term of supervision:

Patrich Giles, shall participate in outpatient substance abuse treatment and counseling program that includes urinalysis, saliva and/or sweat patch testing, as directed by the Probation Officer. He shall abstain from using illicit drugs, alcohol, and abusing prescription medications during the period of supervision. Patrich Giles shall submit to one drug test within 15 days of release from imprisonment and at least two periodic drug tests thereafter, not to exceed eight tests per month, as directed by the Probation Officer.

Witness

 10-9-07

U.S. Probation Officer

Signed

_____
Probationer or Supervised Releasee10-9-07

Date